

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 14-cr-00086-03-JL
)	
WILLIAM SWANSON)	

MOTION TO CONTINUE

NOW COMES the Defendant, William Swanson, by and through his attorney, John Pendleton, of Dwyer, Donovan & Pendleton, P.A. and respectfully requests that the Court continue this matter for at least 90 days. In support of this motion, the defendant offers the following:

1. That the defendant was indicted in the above docket matter and in two other related matters, Docket numbers 14-cr-00087-PB and 14-cr-00093-LM, on or about July 23, 2014;
2. That the matter in the above case is scheduled for a trial to commence on September 3, 2014 and a Final Pretrial Conference is scheduled for August 26, 2014;
3. That as of the drafting of this motion, the defense has not received any discovery to date understanding the Government is diligently working to disclose such information. Based on discussions with the Government, it is understood that this case and the related cases are a result of several years of investigation, and that discovery will include five (5) months of wire tap information. Additionally, between this matter and the related cases there will be in excess of three thousand (3,000) pages of related discovery, in addition to thousands of pages of wire tap line sheets.

4. That based on the need for the defense to be able to review the discovery and make a reasonably informed decision as to how to proceed, the defense will not be ready for a trial on September 3, 2014. Counsel expects that it will take a substantial amount of time to review and assess the discovery which we expect will be disclosed soon;

5. That the defendant and counsel also submit that it is not in the interest of justice to have this matter proceed to trial until such time as the defendant has had a reasonable chance to review the relevant discovery and assess that information;

6. That the defendant for the purpose of this motion waives his right to a speedy trial for the limited period of the requested continuance herein;

7. That Counsel for the defendant will file a waiver of speedy trial by traditional means once a signed copy is returned from the defendant. Counsel has spoken to his client relative to this issue and his client had indicated he will sign and return the waiver document promptly.

8. Counsel for the Defense has sent email correspondence to each counsel of record in this case, with a copy of a proposed Motion to Continue, and reports that Attorney Bownes, on behalf of his client Marc Guillemette, expects to be filing a response to the Motion. Additionally, Attorney Terry Ollila on behalf of the United States, Attorney Winters on behalf of Charles Fowle and Attorney Chadwick on behalf of Michael Graydon all assent.

WHEREFORE, the Defendant, by and through counsel, hereby requests the Court grant the following relief:

- A. Grant the relief requested herein and continue the above matter a minimum of 90 days from the current trial date; and
- B. Grant such other relief as the Court deems just and proper

Respectfully submitted,
William Swanson
Defendant, by and through counsel

August 15, 2014

/s/ John T. Pendleton
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STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

I certify that a copy of this pleading has this day been served on all counsels of record via the federal ECF system.

/s/ John T. Pendleton
John T. Pendleton, Esquire

LR 7.1 (a) MEMORANDUM STATEMENT

A Memorandum is not necessary for the proper disposition of this Motion.